



Los Angeles County
Department of Regional Planning


Planning for the Challenges Ahead



Richard J. Bruckner
Director

August 9, 2012

TO: Curt Pedersen, Chair
David W. Louie, Vice Chair
Esther L. Valadez, Commissioner
Harold V. Helsley, Commissioner
Pat Modugno, Commissioner

FROM: Bruce Durbin, Supervising Regional Planner
Ordinance Studies Section 

SUBJECT: **PROJECT NO. R2012-001296**
CASE NO. RLURT201200001/ENV CASE NO. T201200141
AMENDMENT TO TITLE 22 (ZONING ORDINANCE) REGARDING
SECONDHAND STORES IN ZONE C-2

Agenda of August 22, 2012 Agenda Item No. 6

BACKGROUND

In a Board of Supervisors motion made on January 31, 2012, the Board recognized that there is a greater need to expand opportunities for the secondhand retail industry into more commercial zones to serve the communities Countywide. The majority of secondhand retail stores are operated by charitable organizations that provide job training and employment opportunities as well as social services for the County. The stores help extend the useful life cycles of many consumer products that otherwise would end up in the County's landfills.

Currently, the County Zoning Ordinance (Title 22) permits secondhand stores in the Unlimited Commercial (C-3) and Commercial Manufacturing (C-M) Zones, and in all Manufacturing zones (M-1, M-1.5, M-2 and M-2.5). It's in these same zones that the County permits commercial activities that have more significant impacts on surrounding areas, including pawnshops and used car sales lots.

Therefore, the Board directed the Director of Regional Planning to:

1. Prepare an ordinance for inclusion in Title 22 to establish secondhand retail stores in Zone C-2;
2. Prepare an appropriate environmental document for the ordinance in compliance with the California Environmental Quality Act and the County's environmental review procedures; and

3. Present the ordinance and environmental document to the Regional Planning Commission for consideration in a public hearing by September 28, 2012.

CURRENT COUNTY REGULATIONS

Title 22 only permits secondhand stores in Zones C-3, C-M and all manufacturing zones.

ISSUES

Secondhand stores are similar to antique shops and discount stores selling new products, which are currently permitted in the Neighborhood Business Zone (C-2). Many secondhand stores are run by nonprofit charitable organizations that reinvest their sale proceeds to provide valuable community and social services to disenfranchised populations, such as the homeless, people with illness and disabilities, and veterans. There are also small for-profit stores, which may deal in "specialty" used merchandise, such as books, vintage clothes, electronics and sporting goods. Neither charitable nor for-profit business models have the same impacts as pawnshops, which routinely deal with high-value items and large amounts of cash. Because pawnshops have these characteristics, they are perceived to be attractors of crime and other negative impacts. Therefore, they are only permitted in Zone C-3 and above. Secondhand stores should not be in the same classification.

A representative from Goodwill Industries contacted the Board to explain their interest in expanding Goodwill's secondhand retail operations. The representative also expressed concerns about not being able to establish more stores because of County zoning restrictions. They explained that many of the buildings available for lease in unincorporated areas are in Zone C-2. Goodwill store operators interested in leasing those properties were turned away by the Department's public counter because the use is not permitted in Zone C-2. The representative requested the Board make it easier for this industry to establish new stores by permitting secondhand stores in Zone C-2.

This industry uses two types of models, one where they collect donations within the store, and one where they collect donations in outside bins or trailers. Stores where donations are made only within the building can be permitted with a ministerial site plan review with development standards. The ministerial review's development standards will prohibit outdoor storage and after-hours donations.

Staff considered a discretionary review to permit stores with outside drop-off and staging areas in Zone C-2. However, outdoor drop-off areas are considered "outdoor storage", which is not permitted in Zone C-2. Also, the Goodwill Industries representative told staff that their business models require that all donation drop-offs are placed and processed inside their stores. Goodwill Industries do not collect donations outside their buildings.

Currently, in select communities, legally established residential uses (typically single-family residences) are established in Zone C-2. In certain instances, the Department of Regional Planning has received many complaints of repetitive yard sales at these properties. Zoning

Enforcement has responded to the complaints, but current provisions in Title 22 have complicated abatement efforts. The current code provisions for *yard sales and home occupations* are limited to only residential and agricultural zones, and do not apply to commercial zones. In response, Zoning Enforcement is limited to citing the violator under the *outdoor storage and display* development standards within the commercial zones. Staff is concerned that residents will apply the permitted secondhand store use to their yard sale. Therefore, a development standard that no residential uses are permitted with the use of a secondhand store on the same property is necessary. This standard will prevent residential uses located in Zone C-2 from conducting continuous yard sales based on a false claim that they are a secondhand store.

OTHER JURISDICTIONS

A survey of regional Counties and Cities shows that there is a wide range of regulations pertaining to secondhand stores. Below are several examples of how this use is regulated:

Counties	Requirements	Zone(s)	Charitable Organization Requirement
San Bernardino	Permitted	General Commercial	Yes
Riverside	Use Not Listed	N/A	N/A
San Diego	Use Not Listed	N/A	N/A
Ventura	Use Not Listed	N/A	N/A
Orange	Use Not Listed	N/A	N/A

Cities	Requirements	Zone(s)	Charitable Organization Requirement
Burbank	Permitted CUP	Commercial General Business (C-3), Commercial Unlimited Business (C-4) Commercial Limited Business (C-2)	N/A N/A
Carson	Permitted	General Commercial	N/A
Covina	Permitted	Commercial Business (C-3)	Yes
Glendale	Permitted	Neighborhood Commercial Zone	N/A
Hawthorne	Permitted	General Commercial	N/A
Inglewood	Special Use Permit	Limited Commercial (C1), General Commercial (C2)	Yes
Long Beach	Permitted	Neighborhood Commercial	N/A
Los Angeles	Permitted	(C-2)	N/A

Cities	Requirements	Zone(s)	Charitable Organization Requirement
Palmdale	CUP	Limited Commercial Zone (C-1), Commercial Center (C-4), Service Commercial (C-5)	N/A
	Permitted	General Commercial (C-3)	N/A
Palm Springs	Permitted	Retail Business (C-1), General Commercial (C-2)	Yes
Pasadena	Permitted	Limited Commercial	N/A
	CUP for accessory drop-off facilities	Limited Commercial	N/A
Pomona	Permitted	General Commercial	
San Bernardino	Permitted	General Commercial	Yes
Santa Clarita	MUP	Neighborhood Commercial	N/A
West Hollywood	Permitted	Neighborhood Commercial	N/A

PROPOSED DRAFT ORDINANCE AMENDMENTS

The proposed amendment to Title 22 contains a definition of secondhand stores and added secondhand stores to the list of permitted uses in Zone C-2 (Neighborhood Business) with development standards specific to the use. The development standards make the use compatible with the neighborhood business zone. The standards include: 1) all donations shall be processed indoors, 2) no residential use shall be developed on the same property with this use, and 3) a wall sign shall be posted to prohibit leaving donations outside the building during non-business hours.

Secondhand stores will still comply with all other Title 22 regulations, including development standards on lot coverage, parking, height, and outdoor storage and display listed in Section 22.28.170, and signs in Part 10 of Chapter 22.52.

ENVIRONMENTAL DOCUMENTATION

An Initial Study was prepared for the draft ordinance in compliance with the California Environmental Quality Act (CEQA). The Initial Study showed that there is no substantial evidence that the amendments will have a significant effect on the environment. Based on the Initial Study, the Department of Regional Planning has prepared a Negative Declaration for this project. No comments have been received regarding the Initial Study at the time this report was prepared.

LEGAL NOTIFICATION

A 1/8 page legal advertisement was published in a newspaper of general circulation, the Los Angeles Times, on 7/18/12. Case related materials were sent on 7/18/2012 to at least one County Library in each Supervisorial District, as follows: East Los Angeles in the First District, A. C. Bilbrew in the Second District, Topanga in the Third District, Hacienda Heights in the Fourth District, Lancaster Regional in the Fifth District-northern portion, and La Crescenta in the Fifth District-southern portion.

Staff posted case information on the Department of Regional Planning's web site (http://planning.lacounty.gov/view/secondhand_store_ordinance) on 7/18/12.

OUTREACH

Staff corresponded with representatives from Goodwill Industries to inquiry about their business models for thrift shops, and to formulate possible development standards for inclusion into the Ordinance.

PUBLIC COMMENTS

No public comments were received at the time of this report.

STAFF RECOMMENDATION

Staff recommends that the Regional Planning Commission adopt the attached resolution and forward Project No. R2012-001296 to the Board of Supervisors for consideration in a public hearing.

SUGGESTED MOTION

"I MOVE THAT THE REGIONAL PLANNING COMMISSION ADOPT THE ATTACHED RESOLUTION AND FORWARD PROJECT NO. R2012-001296 TO THE BOARD OF SUPERVISORS FOR CONSIDERATION IN A PUBLIC HEARING."

BD:as

Attachments:

- Draft Ordinance
- Draft Resolution
- Initial Study
- Board Motion
- Hearing Notice
- Comment letter